

FILED

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
DEL RIO DIVISION

UNITED STATES OF AMERICA

v.

RAMIRO HELIBERTO CUENCA-CAMPOS

Cause No. DR-20-CR-01104-AM-1

JUL 27 2021  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY DY DEPUTY CLERK

JOINT STIPULATION OF FACTS

In light of the Court's ruling on Defendant's Motion to Suppress, (ECF 21-23, 43) the United States, by and through Assistant United States Attorney Rex Beasley, and Defendant Ramiro Heliberto Cuenca-Campos, personally and by and through Assistant Federal Public Defender Dale F. Ogden, stipulate as follows:

1. Defendant Ramiro Heliberto Cuenca-Campos is the same individual named in the indictment in the above titled and numbered cause.
2. On or about January 21, 2020, in the Western District of Texas, Defendant knowingly possessed a black Samsung cell phone to wit: A Samsung SM-A505G\_DS, Serial Number R28M32SDKFP, (herein referred to as the "Samsung cell phone") that contained images of child pornography as alleged in the Indictment.
3. On or about January 27, 2020, an HSI Special Agent delivered the Samsung cell phone to the HSI Special Agent in Charge of the HSI office in San Antonio, Texas. Defendant's black Samsung cell phone was then forensically analyzed by an HSI Computer Forensic Agent (CFA). The CFA was able to determine that the Samsung cell phone contained images and videos of child pornography, as defined in Title 18, United States Code,

Section 2256(8)(A), including images and videos depicting prepubescent minors who had not attained 12 years of age as alleged in the indictment.

4. That the material was mailed, shipped, and/or transported using any means or facility of (in or affecting) interstate or foreign commerce by any means, including by computer.
  - a. That the material was also produced using materials that had been mailed, shipped, and/or transported in or affecting interstate or foreign commerce by any means, including by computer.
5. Defendant knowingly possessed the images and videos, and he knew the material was child pornography.
6. The parties agree that this Stipulation of Facts does not foreclose Defendant's right to appeal his conviction based on the appellate rights conferred by 28 U.S.C. § 1291 and 18 U.S.C. § 3742. Defendant does not withdraw his plea of not guilty, and explicitly reserves his right to appeal, including his right to appeal the Court's Order denying his Motion to Suppress.
7. The parties do not agree as to the number of images and videos of child pornography that were contained in the Samsung cell phone and stipulate that the issue of the number of images and videos of child pornography is a sentencing issue.

SO STIPULATED.

  
Rex G. Beasley  
Assistant United States Attorney

Date 7-27-21

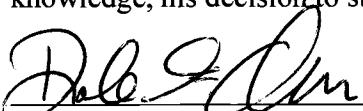
I, Ramiro Heliberto Cuenca-Campos, have consulted with my attorney and discussed the above stipulation. My attorney has answered all my questions and explained my rights. I knowingly, intelligently, and voluntarily enter into these stipulations.



Ramiro Heliberto Cuenca-Campos  
Defendant

Date 7/23/2021

I am counsel for Ramiro Heliberto Cuenca-Campos. I have carefully reviewed this stipulation of facts with him, including translating into a language he understands (Spanish). To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Dale F. Ogden  
Attorney for Defendant  
Ramiro Heliberto Cuenca-Campos

Date 7/23/2021